

10/13/2003 12:28:16 PM

Page 1

2003 DRAFTING REQUEST**Bill**Received: **09/09/2003**Received By: **mlief**Wanted: **As time permits**

Identical to LRB:

For: **Daniel Vrakas (608) 266-3007**By/Representing: **melanie**This file may be shown to any legislator: **NO**Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Courts - immunity liability**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Vrakas@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Civil liability exemption for weight gain and obesity claims

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 09/09/2003	wjackson 09/09/2003					
/1			rschluet 09/09/2003		mbarman 09/09/2003	lnorthro 10/13/2003	

FE Sent For:

<END>

→ Not
Needed

2003 DRAFTING REQUEST**Bill**

Received: 09/09/2003

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Daniel Vrakas (608) 266-3007

By/Representing: melanie

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters:

Subject: Courts - immunity liability

Extra Copies:

Submit via email: YES

Requester's email: Rep.Vrakas@legis.state.wi.us ✓

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Civil liability exemption for weight gain and obesity claims

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 09/09/2003	wjackson 09/09/2003					
/1			rschluet 09/09/2003		mbarman 09/09/2003		

FE Sent For:

<END>

09/09/2003 11:18:48 AM

Page 1

2003 DRAFTING REQUEST**Bill**Received: **09/09/2003**Received By: **mlief**Wanted: **As time permits**

Identical to LRB:

For: **Daniel Vrakas (608) 266-3007**By/Representing: **melanie**This file may be shown to any legislator: **NO**Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Courts - immunity liability**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Vrakas@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

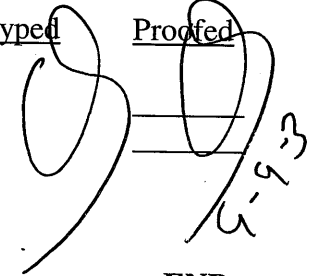
Topic:

Civil liability exemption for weight gain and obesity claims

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief	/1 WLj 9/9					

FE Sent For:

<END>

Lief, Madelon

From: Hartsough, Melanie

Sent: Tuesday, September 09, 2003 10:27

To: Lief, Madelon

Hi Madelon,

We've been asked to submit for drafting an assembly companion bill to LRB-3039/3.

Please call with any questions!

Thanks,

Melanie

Melanie Hartsough

Office of Rep. Vrakas

Melanie.Hartsough@legis.state.wi.us

608-264-8668

09/09/2003

2003 BILL**REGEN**

1 AN ACT **to amend** 814.04 (intro.); and **to create** 895.506 of the statutes; **relating**
2 **to:** civil liability exemption for claims resulting from weight gain and obesity.

Analysis by the Legislative Reference Bureau

This bill provides a civil liability exemption for food manufacturers, marketers, packers, advertisers, distributors, and sellers for claims resulting from a person's weight gain or obesity or health condition related to weight gain or obesity caused by the consumption of food. The bill also provides an exception to this immunity if the claim involves a knowing violation of a state or federal law concerning the food, a breach of contract or express warranty in connection with the purchase of the food, or a claim that the food is adulterated under federal law. Finally, a defendant on a summary judgment motion concerning one of these claims may, in addition to the attorney fees of not more than \$100 recoverable under current law, recover reasonable attorney fees and the costs of the investigation and litigation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 814.04 (intro.) of the statutes is amended to read:

4 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),
5 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.33 (4) (d), 769.313, 814.025,

BILL

1 814.245, 895.035 (4), 895.10 (3), 895.506, 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3),
2 943.212 (2) (b), 943.245 (2) (d) and 943.51 (2) (b), when allowed costs shall be as
3 follows:

4 **SECTION 2.** 895.506 of the statutes is created to read:

5 **895.506 Liability exemption; weight gain and obesity claims.** (1) Any
6 person who manufactures, markets, packs, distributes, advertises, or sells food, as
7 defined in 21 USC 321 (f), is immune from civil liability for a person's weight gain
8 or obesity caused by the consumption of the food, or for a health condition related to
9 weight gain or obesity.

10 (2) Subsection (1) does not apply to any of the following:

11 (a) A claim that a defendant under sub. (1) knowingly violated a federal or state
12 law concerning the manufacturing, marketing, distribution, advertisement,
13 labeling, or sale of the food, and the violation was the proximate cause of the weight
14 gain, obesity, or related health condition.

15 (b) A claim for breach of contract or express warranty in connection with the
16 purchase of the food.

17 (c) A claim regarding the sale of food that is adulterated under 21 USC 342.

18 (3) In addition to the costs allowed under s. 814.04, a defendant that prevails
19 on a motion under s. 802.08 filed in an action under sub. (2) may recover reasonable
20 attorney fees and the costs of the investigation and litigation.

21 **SECTION 3. Initial applicability.**

22 (1) This act first applies to actions pending on the effective date of this
23 subsection.

24 (END)

Northrop, Lori

From: Hartsough, Melanie
Sent: Monday, October 13, 2003 11:57 AM
To: LRB.Legal
Subject: Draft review: LRB 03-3247/1 Topic: Civil liability exemption for weight gain and obesity claims

It has been requested by <Hartsough, Melanie> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3247/1 Topic: Civil liability exemption for weight gain and obesity claims